

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Franke et al

Based on International Application No.
PCT/EP00/07152

Serial No. 10/048,095

Confirmation No. 1593

Filed: 29th July 2002

Title: Method for Power Optimization in a
Vehicle/Train having an efficiency that
Depends on the Operating Point

Group Art Unit: 3661

Examiner: Olga Hernandez

Atty. Dkt. No.: 01013.0013.PCUS00

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REQUEST FOR RETRACTION OF OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office at telephone
number 00 1 703-872-9306 on

Date: 21 July 2004 Signature: 

PAUL CLARKSON

INTRODUCTORY COMMENTS

Sir:

In response to the Final Office Action dated 7th October 2003, Applicant submitted on 7th April 2004 a Request for Continued Examination (RCE). The RCE included an application for suspension of the proceedings for a period of 3 months under 37 CFR 1.103(c). Authorization was provided to deduct all necessary fees including such fee applicable under 37 CFR 1.17(i) from Howrey's deposit account 08-3038. A copy of the RCE is attached to this communication.

On 22nd April 2004, the Examiner issued a further Office Action. It is understood that this action was issued as an oversight and that such action should have been suspended in accordance with the application for suspension of the proceedings.

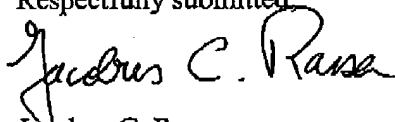
Applicant hereby respectfully requests that the Office Action dated 22nd April 2004 be retracted/withdrawn and that it be issued again at such time that proceedings are resumed. In

the present case, suspension of the proceedings is deemed necessary for the Applicant in order to collect evidence to adequately address the Examiner's claim rejections.

Any extension of time that may be deemed necessary to further the prosecution of this application is hereby requested. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing the docket number shown above.

The Examiner is respectfully requested to contact the undersigned by telephone at the number given below or by email at rasserk@howrey.com in order to resolve any questions.

Respectfully submitted



Jacobus C. Rasser

Reg. No. 37,043

Date: July 21, 2004

Customer No. 32894

Howrey Simon Arnold & White
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Tel: 011 31 20 5924444

MAIL STOP RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

7 April 2004

Dear Sir

Request for Continued Examination of US Application No.10/048,095 filed 29 July 2002
Entitled: Method for Power Optimization in a Vehicle/Train having an efficiency
that Depends on the Operating Point
Inventor(s): Rudiger FRANKE
Atty Docket No. 01013.0013.PCUS00

Transmitted herewith for filing under 37 C.F.R. § 1.114 is a continued request for examination, consisting of the following documents:

1. Request for Continued Examination (RCE) Transmittal, form PTO/SB/30;
2. Response to final office action submitted 9th February 2004;
3. Petition for 1 month extension of time as submitted 9th February 2004;
4. Petition for 3 month extension of time; and
5. One (1) return receipt postcard.

The U.S. Patent and Trademark Office is hereby authorized to charge the following fees to our Deposit Account No. 08-3038 referencing the docket number given above.

\$770 Filing fee for patent application
\$840 Further Extension Fee for response within third month

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing the docket number given above. A duplicate copy of this letter is enclosed.

Please associate this application with and address all correspondence to:

Customer Number 32894



Howrey Simon Arnold & White
CityPoint
One Ropemaker Street
London EC2Y 9HS
UNITED KINGDOM

Please address all telephone calls to:

Jacobus C. Rasser
011 31 20 592 4444

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

Respectfully submitted,

Jacobus C. Rasser
Reg. No. 37, 043

Enclosures